

BRETT A. AXELROD, ESQ.  
Nevada Bar No. 5859  
MICAELA RUSTIA MOORE, ESQ.  
Nevada Bar No. 9676  
**FOX ROTHSCHILD LLP**  
3800 Howard Hughes Parkway, Suite 500  
Las Vegas, Nevada 89169  
Telephone: (702) 262-6899  
Facsimile: (702) 597-5503  
Email: baxelrod@foxrothschild.com  
mmoore@foxrothschild.com  
*[Proposed] Counsel for Martifer Solar USA, Inc.  
and Martifer Aurora Solar, LLC*

Electronically Filed February 21, 2014

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re

MARTIFER AURORA SOLAR, LLC, a  
Nevada limited liability company,

- ☐ Affects Martifer Aurora Solar, LLC  
☐ Affects Martifer Solar USA, Inc.  
☒ Affects all Debtors

Case Nos. BK-S-14-10355-abl and  
BK-S-14-10357-abl

Jointly Administered under  
Case No. BK-S-14-10355-abl

Chapter 11

**EX PARTE APPLICATION FOR  
ORDER SHORTENING TIME FOR  
HEARING ON APPLICATION FOR  
ORDER PURSUANT TO SECTIONS  
327, 328, 1107 AND 1108 OF THE  
BANKRUPTCY CODE, BANKRUPTCY  
RULE 2014 AND LOCAL RULE 2014  
AUTHORIZING THE EMPLOYMENT  
AND RETENTION OF SHEA LABAGH  
DOBBERSTEIN AS ACCOUNTANT  
FOR DEBTORS, *NUNC PRO TUNC* TO  
THE PETITION DATE**

Hearing Date: OST PENDING  
Hearing Time: OST PENDING

Martifer Aurora Solar, LLC and Martifer Solar USA, Inc., debtors and debtors in possession  
("Debtors") in the above-captioned case (the "Chapter 11 Case"), by and through their proposed  
undersigned counsel, Fox Rothschild LLP, respectfully submit this Application For Order Shortening

FOX ROTHSCHILD LLP  
3800 Howard Hughes Parkway, Suite 500  
Las Vegas, Nevada 89169  
(702) 262-6899  
(702) 597-5503 (fax)

Time For Hearing (the “Application”) on Debtors’ Application for an Order Authorizing the Employment and Retention of Shea Labagh Dobberstein as accountant for Debtors, Effective as of the Petition Date (hereafter, the “Motion”). This Application is made and based upon the following points and authorities, the Declaration of Micaela Rustia Moore (the “Moore Declaration”) in support hereof and attached as **Exhibit A** hereto, the Attorney Information Sheet filed concurrently herewith, and the pleadings and papers on file in Debtors’ bankruptcy cases, judicial notice of which is respectfully requested.

WHEREFORE, for the reasons set forth herein, Debtors respectfully request that the Court hear the Motion at the Omnibus Hearing scheduled for March 10, 2014, extend the deadline for parties to oppose the Motion to 9:00 a.m. Pacific time on March 7, 2014, allow Debtors to reply up to the time of the hearing and grant such other and further relief as may be just and proper.

DATED this 21st day of February 2014.

**FOX ROTHSCHILD LLP**

By /s/Micaela Rustia Moore  
BRETT A. AXELROD, ESQ.

Nevada Bar No. 5859

MICAELA RUSTIA MOORE, ESQ.

Nevada Bar No. 9676

3800 Howard Hughes Parkway, Suite 500

Las Vegas, Nevada 89169

*[Proposed] Counsel for Martifer Solar Aurora, LLC  
and Martifer Solar USA, Inc.*

1 **POINTS AND AUTHORITIES**

2 **I.**

3 Debtors, by this Application, pursuant to Bankruptcy Rule 9006 and Rule 9006 of the Local  
4 Bankruptcy Rules for the United States Bankruptcy Court, District of Nevada (the "Local Rules"), seek  
5 an order shortening time for notice and hearing for the Motion.

6 **The Relief is Authorized by Rule 9006 and Meets Due Process Requirements.**

7 Bankruptcy Rules 9006(c)(1) and (d) authorize a court to reduce the time for a hearing, and a  
8 party to file an ex parte motion to shorten the time for a hearing. Bankruptcy Rule 9006(c)(1) provides  
9 in relevant part:

10 In General. Except as provided in paragraph (2) of this subdivision,  
11 when an act is required or allowed to be done at or within a specified  
12 time by these rules or by a notice given thereunder or by order of court,  
the court for cause shown may in its discretion with or without motion or  
notice order the period reduced.

13 Fed. R. Bankr. P. 9006(c)(1).

14 Courts have generally acknowledged that such expedited relief does not violate due process  
15 rights, even if the motion to shorten time is made ex parte. Bankruptcy Rule 9006(c)(1) (emphasis  
16 added). "Bankruptcy Rule 9006(c) permits the bankruptcy court 'for cause shown' in its discretion,  
17 with or without motion or notice, to reduce the notice period, and ex parte motions for material  
18 reductions in the notice period are routinely granted by bankruptcy courts." Hester v. NCNB Texas  
19 Nat'l Bank (In re Hester), 899 F.2d 361, 364 n. 3 (5th Cir. 1990); see also 9 Collier on Bankruptcy  
20 9006.07 (Lawrence P. King ed., 15th ed. 1995). See, e.g. In re Gledhill, 76 F.3d 1070 (10th Cir.[Utah]  
21 1996).

22 Cause exists for the Court to shorten time on the Motion. As set forth in the Motion, Debtors  
23 are seeking to retain Shea Labagh Dobberstein ("SLD") *nunc pro tunc* to January 21, 2014 (the  
24 "Petition Date"). SLD has assisted Debtors with services since the Petition Date and Debtors need  
25 SLD to, among other things, prepare and file Debtors' 2013 tax returns.

26 Copies of the Motion and its related pleadings have been served on, among others, counsel for  
27 Cathay Bank, Martifer Solar, Inc., the Office of the United States Trustee and the parties that have filed  
28 requests for special notice in Debtors' bankruptcy cases.

**Counsel Has Conferred With the Notice Parties.**

Prior to filing the Motion and pursuant to Local Rule 9006, counsel consulted counsel for Cathay Bank, Martifer Solar, Inc., the Office of the United States Trustee, special notice parties and other parties as shown on the Attorney Information Sheet For Proposed Order Shortening Time, filed concurrently herewith and incorporated by reference herein.

**II.****CONCLUSION**

WHEREFORE, for all of the foregoing reasons, Debtor respectfully requests that the Court hear the Motion at the Omnibus Hearing scheduled for March 10, 2014, extend the deadline for parties to oppose the Motion to 9:00 a.m. Pacific time on March 7, 2014, allow Debtors to reply up to the time of the hearing and grant such other and further relief as may be just and proper.

DATED this 21st day of February 2014.

**FOX ROTHSCHILD LLP**

By: /s/Micaela Rustia Moore  
BRETT A. AXELROD, ESQ.

Nevada Bar No. 5859

MICAELA RUSTIA MOORE, ESQ.

Nevada Bar No. 9676

3800 Howard Hughes Parkway, Suite 500

Las Vegas, Nevada 89169

*[Proposed] Counsel for Martifer Aurora Solar, LLC  
and Martifer Solar USA, Inc.*

**EXHIBIT A**

**DECLARATION AFFIRMING REQUESTED RELIEF**

I, Micaela Rustia Moore, declare under penalty of perjury that I am competent to make this declaration under the laws of the United States and the State of Nevada; that I have read the above Application for an Order Shortening Time and that the facts stated therein are true and correct to the best of my knowledge and belief.

DATED this 21st day of February 2014.

By /s/Micaela Rustia Moore  
MICAELA RUSTIA MOORE